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FITZPATRICK CELLA HARPER & SCINTO
30 ROCKEFELLER PLAZA
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In re Patent No. 6,899,823 : **OFFICE OF PETITIONS**
Issued: May 31, 2005 :
Application No. 10/025,535 : PATENT TERM ADJUSTMENT
Filed: December 26, 2001 :
Atty. Dkt. No.: 35.C16056 :

This is a decision on the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705(d)," filed July 8, 2005.

The application for patent term adjustment ("PTA") under 37 C.F.R. § 1.705(d) is **GRANTED**.

The above-identified application matured into U.S. Patent No. 6,899,823 on May 31, 2005. The instant request for reconsideration was timely filed July 8, 2005 in accordance with 37 C.F.R. § 1.705(d). The patent issued with a PTA of 261 days. Applicant argues that the adjustment was improperly reduced 56 days in connection with an interview summary submitted April 6, 2005.

A review of the application history reveals that in accordance with 37 C.F.R. § 1.702(a)(1), an adjustment of 348 days can be attributed to the Office. The adjustment of 348 days was properly reduced 31 days in accordance with 37 C.F.R. § 1.704(b).

On April 6, 2005, applicants submitted a "STATEMENT OF THE SUBSTANCE OF THE INTERVIEW" in response to an examiner's interview summary. As the examiner's interview summary, mailed January 11, 2005, permitted applicants one month from the mail date of the interview summary to submit a statement of the summary of the interview, the statement submitted April 6, 2005 is not deemed a failure to engage in reasonable efforts to conclude prosecution (or processing) within the meaning of 37 C.F.R. § 1.704.

Thus, at the time of issuance, the patent was entitled to a PTA 317 days, as argued by applicants. The PTA indicated on the patent is to be corrected by issuance of a certificate of correction showing a revised Patent Term Adjustment of 317 days.

This application file will be forwarded to the Certificate of Corrections branch for issuance of a certificate of correction to indicate that the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 317 days.

The Office acknowledges submission of the required application fee of \$200.00.

Telephone inquiries specific to this matter should be directed to Petitions Attorney Alesia M. Brown at (571) 272-3205.

Kery Fries

Kery Fries
Senior Legal Advisor
Office of Patent Legal Administration
Office of Deputy Commissioner
for Patent Examination Policy

Cc: Draft Certificate of correction
Adjusted Term Calculations